

14 October 1983

NOTE FOR:

[Redacted]

STAT

SA/DCI

FROM:

[Redacted]

STAT

Chief, Litigation & Legislation Division
Office of General Counsel

SUBJECT: Cabinet Counsel Meeting on Drug Czar Legislation

1. Last year, the Violent Crime and Drug Enforcement Act which contained the drug czar provisions also contained the legislation we were seeking which would have made attacks upon intelligence officials federal criminal offenses. Our comments on the omnibus legislation which contained both of these provisions (see attached enrolled bill letter) were, therefore, hedged because we really wanted the President to sign the measure.

2. This year the drug czar provisions are being considered separately and there is no reasons not to fully support the Justice Department's position. The DDCI might be called upon to comment on the recommendations in the Craig Fuller memorandum as it sets up the DCI system as the model for a preferred anti-drug effort.

STAT

Attachment, a/s

[Redacted]

DOJ Review Completed.

The Director of Central Intelligence

Washington DC 20505

OGC 83-00049

11 January 1983

Honorable David A. Stockman
Director
Office of Management and Budget
Washington, D.C. 20503

Dear Mr. Stockman:

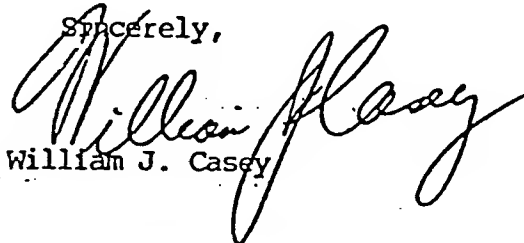
This is in response to your request for the views of the Director of Central Intelligence on Enrolled Bill H.R. 3963, the Violent Crime and Drug Enforcement Improvements Act.

The Central Intelligence Agency strongly supports enactment of section 305 of the Bill, the "Federal Intelligence Personnel Protection Act." This legislation would amend 18 U.S.C. § 1114 to provide federal criminal penalties for acts of violence directed at United States intelligence personnel engaged in the performance of their official duties. Federal law currently provides no such criminal liability despite the compelling federal interest in assuring the physical safety of Intelligence Community officers and employees. Section 305 would correct this serious anomaly by according intelligence personnel the protections already available to many categories of federal workers.

We are, however, concerned about section 307 of H.R. 3963, the "National Narcotics Act of 1982," insofar as it would establish an Office of Director of National and International Drug Operations and Policy. The authorities of the proposed Director of this Office, including authority to "coordinate the collection and dissemination of information necessary to implement United States policy with respect to illegal drugs" (§ 307(d)(3)(D)), are broadly yet ambiguously defined without reference to the authorities and responsibilities of other senior government officials. In addition, there appears to be some question as to whether the creation of this proposed new office would actually have a positive impact on the fight against illegal drugs.

We understand that the Department of Justice and various federal law enforcement agencies have very serious concerns with section 307 and other aspects of the Bill. We must, therefore, defer to the judgment of the Department of Justice and the law enforcement agencies as to whether there are defects in the Violent Crime and Drug Enforcement Improvements Act that outweigh its positive features.

Sincerely,


William J. Casey

ROUTING AND RECORD SHEET

SUBJECT: (Optional)

FROM:

Stanley Sporkin
General Counsel

EXTENSION

NO. DDI-10423/1-82
CGC-00049-83

STAT

DATE

04 JAN 1983

TO: (Officer designation, room number, and building)

DATE

RECEIVED

FORWARDED

OFFICER'S
INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

1. ✓

Executive Director

04 JAN 1983

C.B.

Attached for your signature is an Enrolled Bill letter setting forth the Agency's views on H.R. 3963, the Violent Crime and Drug Enforcement Improvements Act.

2.

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DDCI

6 January

4.

5.

DCI

6 January 1983

WJC

As you know, this is the Bill that contains the Intelligence Personnel Protection provisions which we worked hard to pass. Unfortunately, the Department of Justice is for a number of reasons recommending that the President not sign the Bill. One key objection involves a provision that would create a new Director of National and International Drug Operations and Policy. Our letter notes that we have some doubts about the wisdom of this provision, but it defers to the Department of Justice and the law enforcement agencies as to whether the defects in the Bill are so great as to outweigh its positive features.

Concerned components have had an opportunity to comment on the "drug czar" provision. I have enclosed the DDI's written comments for your information.

who's this

Stanley Sporkin

STAT

1:3-5: I share (BQ's) reservations.

The letter to OMB looks reasonably balanced. Recommend signature. Stan's note warrants further discussion.

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NOTE FOR ER:

This is an Enrolled Bill letter which has been requested ASAP by OMB. The actual Enrolled Bill is not yet available. Special handling is required. Please call [redacted] when it has been signed by the DCI. Thank you.

FORM
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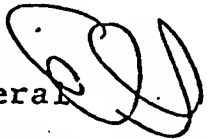
U.S. Department of Justice
Office of the Deputy Attorney General

The Deputy Attorney General

Washington, D.C. 20530

NOT 13 1983

MEMORANDUM TO: Craig Fuller
Assistant to the President for
Cabinet Affairs

FROM: Edward C. Schmults 
Deputy Attorney General

RE: "Drug Tsar" Legislation: A Proposed
Administration Response

Background: For more than a year, there have been calls in the Congress for creation of a "drug tsar" to oversee and coordinate all federal drug enforcement efforts. We have consistently resisted these proposals, first on the Floor of the Senate last year where a Biden "drug tsar" amendment to the Violent Crime and Drug Enforcement Improvements Act was accepted by a 2-1 margin despite Chairman Thurmond's efforts on our behalf. During the "lame-duck" session of the 97th Congress, the "drug tsar" proposal was attached to the "mini-crime bill." As you will recall, the Biden bill would have created a "super Cabinet-level" drug tsar with vague and sweeping powers to "direct" departments and agencies to carry out the policies he establishes including the power to reach down into departments and agencies and reassign enforcement personnel. The President disapproved it primarily because of this "drug tsar" provision.

Despite our continuing opposition to the "drug tsar" concept, Senator Biden has succeeded in having his new "drug tsar" bill (S. 1787) reported by the Senate Judiciary Committee by a vote of 12 to 5 (3 of the 5 votes against were proxies voted by Chairman Thurmond; in at least one case the proxy was from a Senator who favors the tsar concept). The Biden bill is substantially identical to the "tsar" provision of the mini-crime bill pocket vetoed in January.

On the House side, Congressman Hughes has had his version of a "drug tsar" proposal (H.R. 3664) reported by the House Judiciary Committee. The Hughes' bill builds upon an existing structure (the White House Drug Abuse Policy Office) rather than creating an entirely new structure.

- 2 -

Senator Biden will, as part of his agreement with Chairman Thurmond, be able to bring his bill to the Senate Floor as a separate bill upon completion of Senate consideration of the President's crime package, possibly within a few weeks. Congressman Hughes can be expected to try to get his bill approved by the House before the Senate acts on the Biden bill.

Prognosis: House and Senate Floor action on "drug tsar" legislation is imminent and the result will almost certainly be overwhelming approval by both bodies. The simplistic and superficial appeal of the "drug tsar" concept appears irresistible. Even if the President was to veto a "drug tsar" proposal we must recognize that the vote we anticipate on initial passage would be so strong as to suggest concern about a veto override. The Administration would suffer from the public's confusion of vetoing a "crime" bill.

Moreover, the Democrat strategy may be to secure Congressional approval of a bail, sentencing, forfeiture and "drug tsar" package leaving the balance of the President's anti-crime package to gather dust in the House Judiciary Committee.

A Revised Biden Bill. Despite the shortcomings of the Biden "drug tsar" bill, there is reason to believe that Biden may be willing to make a number of changes to accommodate our concerns. In this regard, Biden has held out the intelligence community as a model of a coordinated multidepartmental effort. We believe his bill can be modified, therefore, to make it more consistent with the organization of the intelligence community while at the same time bringing it more into line with our current cabinet system.

Recommendation: We recommend that the Department of Justice be authorized to approach Senators Thurmond and Biden. We believe that a version patterned after the Director of Central Intelligence model can be structured in such a way as to provide a single witness to appear before Congressional committees to testify on anti-drug efforts and accommodate certain other concerns without unnecessarily infringing on the important operational programs of the several departments. In summary, an alternative approach could be to establish a Drug Policy and Operations Board chaired by the Attorney General and made up of members of the Cabinet Council on Legal Policy. Such a board would set drug policy and oversee drug enforcement operations through a participatory process that respects the powers of Cabinet officers to supervise the internal affairs of their departments.